

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANTHONY DEAN BUTLER,

Plaintiff,

v.

No. 1:15-cv-03294-WSD-RGV

EQUIFAX INFORMATION
SERVICES, LLC; EXPERIAN
INFORMATION SOLUTIONS, INC;
and CARRINGTON MORTGAGE
SERVICES, LLC,

Defendants.

**CARRINGTON MORTGAGE SERVICES, LLC’S RESPONSE IN
OPPOSITION TO PLAINTIFF’S MOTION FOR ORAL ARGUMENT**

COMES NOW, Carrington Mortgage Services, LLC (“Carrington”), and files this Response in Opposition to the Plaintiff’s Motion for Oral Argument [Doc. 19], respectfully showing this Honorable Court as follows:

1. On September 20, 2015, Plaintiff Anthony Dean Butler filed his Complaint in this matter, asserting causes of action against Carrington under the Fair Credit Reporting Act (“FCRA”) and Fair Debt Collection Practices Act (“FDCPA”). *See* [Doc. 1].

2. On November 18, 2015, Carrington filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). [Doc. 7]. The Motion to Dismiss argues that the Plaintiff has failed to plead sufficient facts to support a claim under the FCRA or FDCPA, and that the acts complained of do not, under any circumstances, constitute a violation of the FDCPA. *See* [Doc. 7-1].

3. The Plaintiff filed his Response to the Motion to Dismiss on January 7, 2016. [Doc. 18]. Then, on January 11, 2016, the Plaintiff filed a Motion for Oral Argument on the Motion to Dismiss. [Doc. 19]. The Plaintiff gives no reason for why oral argument is needed, and the entire motion is just one sentence long: “Comes now Plaintiff Anthony Dean Butler by and through his undersigned Counsel and requests oral argument on Defendant Carrington Mortgage Services, LLC’s Motion to Dismiss for Failure to State a Claim.” *Id.*

4. Under LR 7.1(E), “Motions will be decided by the court without oral hearing, unless a hearing is ordered by the court.” In this case, no hearing should be ordered. The Motion to Dismiss does not present any novel legal arguments, and this case does not present complex facts or legal questions. As such, it can and should be decided on the briefs. Moreover, the Plaintiff does not explain why oral argument is necessary. This Court routinely denies requests for oral arguments in similar situations. *See, e.g., Am. Signal Co. v. All Am. Semiconductor of Atlanta,*

Inc., No. 1:05-CV-2200, 2006 WL 167956, at *1 (N.D. Ga. Jan. 19, 2006) (denying motion for oral argument because “plaintiff does not explain why oral argument would be helpful or necessary” and “[a]fter reviewing the motions, the court finds that oral argument is not necessary to further explain the positions of the parties or the applicable law.”); *Cascade Crossing II, LLC v. Radioshack Corp.*, No. 1:01-cv-3084-GET, 2003 WL 2645360, at *1 (N.D. Ga. Oct. 22, 2003) (denying motion for oral argument because “[u]pon review of the pleadings, the court can rule on plaintiff’s motion . . . on the briefs submitted.”).

5. Because there is no evident reason for oral argument on the Motion to Dismiss, the Motion should be decided on the briefs. Accordingly, Carrington respectfully requests that this Court deny the Plaintiff’s Motion for Oral Argument.

Respectfully submitted this 12th day of January, 2016.

/s/ Bret J. Chaness
BRET J. CHANESS (GA Bar No. 720572)
RUBIN LUBLIN, LLC
3740 Davinci Court, Suite 150
Peachtree Corners, Georgia 30092
(678) 281-2730 (Telephone)
(404) 921-9016 (Facsimile)
bchaness@rubinlublin.com

Attorney for Carrington Mortgage Services, LLC

FONT CERTIFICATION

The undersigned counsel for Defendant hereby certify that the within and foregoing was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This 12th day of January, 2016.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

CERTIFICATE OF SERVICE

I hereby certify that I have, this 12th day of January, 2016, filed the foregoing by CM/ECF, which will serve notice of the same on all parties.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)